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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,453	03/24/2006	Kevin Williams	106820011USWO	2415
23552 7590 04/16/2007 MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			EXAMINER PLUMMER, ELIZABETH A	
			ART UNIT	PAPER NUMBER
			3635	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/573,453

Applicant(s)

WILLIAMS ET AL.

Examiner

Elizabeth A. Plummer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>03/24/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Preliminary amendments to the specification received 03/24/2006 have been received and entered. Claims 1-12 and 14-15 are pending. This is a first Office action on the merits for application serial number 10/573,453 filed 03/24/2006.

Claim Objections

1. Claims 2-4 are objected to because of the following informalities: Claim 2, line 4, the phrase "appearance of the join" is confusing. For purposes of examination it is assumed the phrase is intended to read "appearance of the joining member." Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 6-8, 10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Heywood (US Patent 479,275).

- a. Regarding claim 1, Heywood discloses an elongate joining member (B) (Fig. 2) for bridging a gap between a first and at least a second panel (J), each panel having a first surface and an opposed second surface (Fig. 3), the joining member comprising a flange member (bottom horizontal bar of B), an extension member (vertical leg of B) extending from said flange member and at least one retaining member (K) connected to said extension member, said at least one

retaining member being moveable relative to the extension member between a first configuration (Fig. 3) and a second configuration (Fig. 2) (lines 49-53) and wherein, in use, when in the second configuration, said at least one retaining member is insertable through said gap between the first and at least second panels (Fig. 3), said at least one retaining member is engageable with at least a portion of the second surface of each panel and said flange member is engageable with at least a portion of the first surface of each panel such that said flange member substantially bridges the gap between said at least first and second panels (Fig. 3).

b. Regarding claim 2, the flange member comprises a main body defined on one side by a first surface for engaging said at least a portion of the first surface of both the first and second panels and a second opposing side that presents the outward appearance of the joining member (Fig. 2).

c. Regarding claim 3, the flange member is movable from a first configuration to a second configuration (lines 24-27).

d. Regarding claim 5, the extension member is relatively straight and extends from a proximal end adjacent the flange member to a distal end (Fig. 2,3).

c. Regarding claim 6, the at least one retaining member comprises opposing first and second leg members (K) each connected to and disposed at an angle relative to the extension member (Fig. 2).

- d. Regarding claim 7, the first and second leg members (K) extend from a first end that is connected to the extension member to a second end that is free from the extension member (Fig. 2,3).
- e. Regarding claim 8, the second end of the first leg member is engageable with the second surface of the first panel and the second end of the second leg member is engageable with the second surface of the second panel (Fig. 3).
- f. Regarding claim 10, the joining member is made from a resiliently flexible material since it is capable of being bent (lines 24-27, lines 49-53).
- g. Regarding claim 12, Heywood discloses a panel assembly (Fig. 3) comprising at least two panels (J), each having a first surface, a second opposed surface and side walls, said at least two panels arrange relative to one another such that a sidewall of one panel and a sidewall of a second panel define a gap therebetween (Fig. 3), said gap bridged by an elongate joining member (B) (Fig. 2,3) comprising a flange member (bottom horizontal bar), an extension member (center vertical leg) extending from said flange member and at least one retaining member (K) connected to said extension member, said at least one retaining member being movable relative to the extension between a first configuration and a second configuration to allow insertion of said retaining member through said gap (lines 49-53) and wherein said at least one retaining member engages at least a portion of the second surface of each panel and said flange member engages at least a portion of the first surface of each panel such that said flange

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member substantially bridges the gap between said at least first and second panels (Fig. 3).

4. Claims 1 and 11 rejected under 35 U.S.C. 102(b) as being anticipated by Grant, Jr. (US Patent 4,913,576).

a. Regarding claim 1, Grant, Jr. discloses an elongate joining member (Fig. 2) for bridging a gap between a first and at least a second panel, each panel having a first surface and an opposed second surface (Fig. 2), the joining member comprising a flange member (14), an extension member (12) extending from said flange member and at least one retaining member (16) connected to said extension member, said at least one retaining member being moveable, or capable of being moved, relative to the extension member between a first configuration and a second configuration and wherein, in use, when in the second configuration, said at least one retaining member is insertable through said gap between the first and at least second panels (Fig. 2), said at least one retaining member is engageable with at least a portion of the second surface of each panel and said flange member is engageable with at least a portion of the first surface of each panel such that said flange member substantially bridges the gap between said at least first and second panels (Fig. 2).

b. Regarding claim 11, the retaining member includes a single leg member (16) connected to the extension member.

5. Claims 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Tamlyn (US Patent 6,018,924).

- a. Regarding claim 14, Tamlyn discloses an elongate joining member (10) for bridging a gap between a first (48) and at least a second panel (14), each panel having a first surface and an opposed second surface (Fig.), the joining member comprising a flange member (42), and at least two extension members (legs 44) extending from said flange member, each extension member being member being moveable relative to each other between a first configuration and a second configuration and wherein, in use, when in their second configuration, said at least two extension members are insertable through said gap between the first and at least second panels, at least one of said extension members further including at least one retaining member (Fig.) such that when the at least two extension members are inserted through said gap, said at least one retaining member is engageable with at least a portion of the second surface of a panel and said flange member is engageable with at least a portion of the first surface of each panel such that said flange member substantially closes the gap between at least first and second panels (Fig.).
- b. Regarding claim 15, the two extension members comprise two resiliently flexible legs (44) (Fig.).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heywood (US Patent 479,275) in view of Ruff et al (US Patent 4,067,155). Regarding claim 4, Heywood discloses a flange member that is movable between different configurations, which inherently includes a domed configuration. Heywood does not disclose that the flange member is movable between a substantially domed configuration to a substantially flat configuration and wherein, in the second substantially flat configuration, the first surface of the flange member is substantially flush with the two panels. However, it is notoriously well known in the art of device joining connectors that movable joining members can be movable between a substantially domed configuration to a substantially flat configuration and wherein, in the second substantially flat configuration, the first surface of the flange member is substantially flush with two panels. For example, Ruff et al. discloses a joining member (10) for bridging the gap between two panels (Fig. 4) that is movable between a substantially domed configuration (Fig. 2) to a substantially flat configuration (Fig. 4) and wherein, in the second substantially flat configuration, the first surface of the flange member is substantially flush with the two panels (Fig. 4) in order to completely seal the gap. It would have been obvious to one of ordinary skill in the art to modify Heywood to include a substantially domed configuration moving into a substantially flat configuration wherein, in the second substantially flat configuration, the first surface of the flange member is substantially flush with the two panels, such as taught by Ruff et al., in order to make the flange better cover the entire gap between the two panels.

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8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heywood (US Patent 479,275). Regarding claim 9, Heywood discloses the invention as claimed except for the second end of the first and second leg members including a grooved or serrated face to engage the second surfaces of the panels. However, Heywood discloses a beaded face (L) in order to better engage the second surfaces of the panels. It would have been a matter of obvious design choice to one of ordinary skill in the art at the same time the invention was made to form the second end of the first and second leg members with a groove or serrations, as Heywood is concerned with enhancing the gripping qualities of the second end. Furthermore, Applicant admits in the disclosure that any other means besides grooved or serrated faces can be used to grip the second surfaces of the panels as long as it is further securing the joining device between the panels (page 5, lines 31-35).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Plummer whose telephone number is (571) 272-2246. The examiner can normally be reached on Monday through Friday, 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Jeanette Chapman
Primary Examiner